

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROGER BASILE,

Plaintiff,

20-CV-00576 (EK)(LB)

-against-

COUNTY OF NASSAU, DET. JESSE PERKINS
and DET. ROBERT LASHINKSY,

Defendants.

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DEFENDANTS' PROPOSED VOIR DIRE

THOMAS A. ADAMS
Nassau County Attorney
Attorney for Defendants
Ralph J. Reissman
Deputy County Attorney
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(516) 571-3046

DEFENDANTS' VOIR DIRE REQUESTS

In addition to the Court's standard juror questions addressed to the prospective juror's background, experience as a juror, witness or party in a criminal or civil case, knowledge of the law, and any difficulties in sitting as a fair and impartial juror in the case, defendants respectfully request that the Court include the following areas of questioning in its examination of prospective jurors pursuant to Rule 47(a) of the Federal Rules of Civil Procedure.

BACKGROUND INFORMATION:

1. Have you or any member of your family or any close friend ever been arrested or convicted of a crime?
2. Have you or any member of your family or any close friend ever been interested in the outcome of a criminal case?
3. Have you or any of your friends or relatives ever been acquitted of any crimes?
 - If so, how did that make you feel?
 - Do you feel that experience would affect your ability to participate as a fair and impartial juror in this case?
4. Are you or any of your friends or relatives currently employed by Nassau County?
5. Are you or any of your friends or relatives employed by the Nassau County Police Department?
6. Are you or is anyone in your immediate family employed in the field of law enforcement?
 - If yes, who is so employed?
 - With what agency or department is that person affiliated?
 - What relationship does that person have to you?
 - How long have they been employed in for that entity?
 - Does that person discuss his/her job with you?
7. Are you or any of your friends or relatives currently employed within the criminal justice system and, if so, in what capacity?

8. Are you or anyone in employed in the medical field?
- If yes, who is so employed?
 - With what medical office, hospital, agency or department is that person affiliated?
 - What relationship does that person have to you?
 - How long have they been employed for that entity?
 - Does that person discuss his/her job with you?
9. Did you know any other members of this jury panel prior to being called to jury duty today?
10. Did you know any of the parties to the litigation prior to being called to jury duty today?

PRIOR LITIGATION:

11. Do you have a friend or family member who is presently involved in a lawsuit or has been in the last ten (10) years against any member of the Nassau County Police Department? If so, please describe the nature of the lawsuit?
12. Have you ever been a party to a lawsuit? If yes,
- Did the lawsuit involve Nassau County or any of its agencies or employees?
 - What type of lawsuit?
 - Was the matter resolved to your satisfaction?
 - Would the experience affect your ability to remain impartial?
13. Have you or any members or your family or close friends ever sued or commenced an action to recover for personal injuries for an alleged violation of civil rights?
- If so, how did that make your feel?
 - Do you feel that experience would affect your ability to participate as a fair and impartial juror in this case?

ABILITY TO BE IMPARTIAL:

14. Do you have any biases or feelings – positive or negative – about the Nassau County Police Department that would prevent you from being a completely fair and impartial juror in this case?
15. Have you or any members of your family or close friends ever been involved in an interaction with a police officer where you or they felt they were mistreated in any fashion?
16. Has a close friend or family member had a negative experience with the police?

17. Do you believe that the police have a secret “blue code of silence” where one police officer would lie, or fabricate evidence to support another police officer’s version of facts, just because the other police officer was a member of law enforcement?
18. Do you have any opinion about the Nassau County Police Department and its officers?
- If so, what is your opinion?
 - What is the basis for your opinion?
 - Do you feel that your opinion of the Nassau County Police Department and its employees would affect your ability to participate as a fair and impartial juror in this case?
19. Do you believe that it’s possible that Police Officers sometimes make mistakes?
20. Have you or any of your friends or relatives seen or read any newspaper articles, or seen or read any internet or social media postings about the Nassau County Police Department and, if so, please describe the nature of what you saw or read?
21. Do you feel that what you saw or read has affected your opinion of the Nassau County Police Department and its employees?
22. If so, in what way has it affected your opinion of the Nassau County Police Department and its employees?
23. Do you feel that your opinion of Nassau County Police Department and its employees would affect your ability to participate as a fair and impartial juror in this case?
24. Apart from any prior questions, does any juror have any doubt that he or she will be able to serve conscientiously, fairly, and impartially in this case and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained?

BURDEN OF PROOF:

25. If the court instructs you that Plaintiff has the burden of proof and you determine she did not meet that burden, will you be able to send her away with no money?
26. Will you listen to the evidence in the trial and apply the law as per the Court’s instructions, even if you do not agree with it, and render a decision solely on the facts as developed at trial with respect to liability and burden of proof and in accordance with the law as instructed by the Court?

Dated: Mineola, New York
October 11, 2023

THOMAS A. ADAMS

Nassau County Attorney
Attorney for Defendants

By: /s/ Ralph J. Reissman

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